

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES J. DUNN,

Plaintiff,

-against-

9:98-CV-0693
(LEK/DRH)

GARY SCHULTZ, *Investigator, New
York State Police,*

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on August 11, 2010, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 138).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. Plaintiff James Dunn ("Plaintiff") filed his objections ("Objections") with respect to Magistrate Judge Homer's Report-Recommendation on August 19, 2010. Dkt. No. 139.

It is the duty of this Court to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). Where, however, an objecting "party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error." Farid v. Bouey, 554 F. Supp. 2d 301, 307 (N.D.N.Y. 2008) (quoting McAllan v. Von Essen, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007) (citations and quotations omitted)); see also

Brown v. Peters, No. 95-CV-1641, 1997 WL 599355, at *2-3 (N.D.N.Y. Sept. 22, 1997). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

Plaintiff’s Objections largely challenge this Court’s prior dismissal of parties and claims named in his original Complaint (Dkt. No. 1). The issues raised have already been decided and affirmed on appeal, see Dkt. Nos. 63, 72, 109. They are not the subject of Magistrate Judge Homer’s Report-Recommendation, which is concerned solely with the claims in Plaintiff’s Amended Complaint’s (Dkt. No. 129) against Defendant Gary Schultz. They shall not be reconsidered at this juncture.

The Court has considered the Objections, undertaken a review of the record, and determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

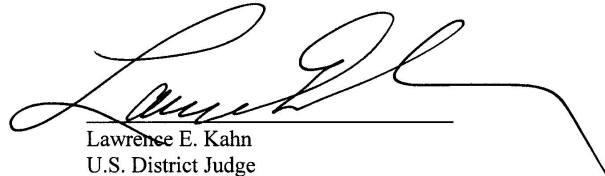
ORDERED, that the Report-Recommendation (Dkt. No. 138) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendant Schultz’s Motion for summary judgment (Dkt. No. 135) is **GRANTED**, and judgment is entered in favor of Schultz as to all remaining claims in the Amended Complaint (Dkt. No. 129); and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 01, 2010
Albany, New York


Lawrence E. Kahn
U.S. District Judge